

08-27-07

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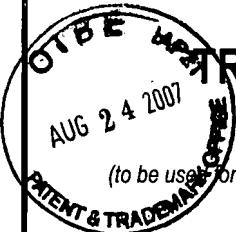
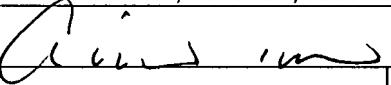
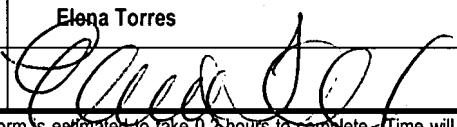
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PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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 TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/619,754
		Filing Date	July 14, 2003
		First Named Inventor	Brigit Bossenmaier
		Group/Art Unit	1643
		Examiner Name	Holleran, Anne L.
Total Number of Pages in This Submission		Attorney Docket Number	39766-0114
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement w/11 References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of Notice	<input type="checkbox"/> Recordation Cover Sheet with Executed Assignment	<input type="checkbox"/> After Allowance Communication to Group	
	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Proprietary Information	
	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Status Letter	
	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):	
	<input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers	<input checked="" type="checkbox"/> RETURN POSTCARD	
	<input type="checkbox"/> Terminal Disclaimer		
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	<input type="checkbox"/> Request for Refund		
	Remarks		
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO.39766-0114			
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	HELLER EHRMAN LLP 275 Middlefield Road, Menlo Park, California 94025		GINGER R. DREGER (Reg. No. 33,055) Telephone: (650) 324-7000 Facsimile: (650) 324-0638
Signature			
Date	August 24, 2007	Customer Number:	25213
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Express Mail Label EV 581 478 551 US			
Typed or printed name	Elena Torres 		
Signature		Date	August 23, 2007

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FEET TRANSMITTAL for FY 2006

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** **180.00**

Complete if Known

Application Number	10/619,754
Filing Date	July 14, 2003
First Named Inventor	Birgit Bossenmaier
Examiner Name	Holleran, Anne L.
Art Unit	1643
Attorney Docket No.	39766-0114

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number **08-1641**
Deposit Account Name **HELLER EHRLAN LLP (39766-0114)**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEET CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 300	2001 150	Utility filing fee	
1002 200	2002 100	Design filing fee	
1003 200	2003 100	Plant filing fee	
1004 300	2004 150	Reissue filing fee	
1005 200	2005 100	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	<input type="text"/>	-20** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	- 3** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent				

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple dependent claim, if not paid
1204 200	2204 100	** Reissue independent claims over original patent
1205 50	2205 25	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 120	2251 60	Extension for reply within first month	
1252 450	2252 225	Extension for reply within second month	
1253 1,020	2253 510	Extension for reply within third month	
1254 1,590	2254 795	Extension for reply within fourth month	
1255 2,160	2255 1,080	Extension for reply within fifth month	
1401 500	2401 250	Notice of Appeal	
1402 500	2402 250	Filing a brief in support of an appeal	
1403 1,000	2403 500	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 500	2452 250	Petition to revive - unavoidable	
1453 1,500	2453 750	Petition to revive - unintentional	
1501 1,400	2501 700	Utility issue fee (or reissue)	
1502 800	2502 400	Design issue fee	
1503 1,100	2503 550	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			180

(Complete if applicable)

Name (Print/Type)	Ginger R. Dreger	Registration No. (Attorney/Agent)	33,055	Telephone	650-324-7000
Signature	(Signature)			Date	August 24, 2007

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AUG 24 2007



Typed or print name	Elena Torres		
Signature		Date	August 24, 2007

PATENT

Attorney Docket No.: 39766-0114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Bossenmaier et al.)	
)	
Application No.: 10/619,754)	Art Unit: 1643
)	
Filed: July 14, 2003)	Examiner: Holleran, Anne L.
)	
Title: METHODS FOR IDENTIFYING TUMORS)	
THAT ARE RESPONSIVE TO TREATMENT)	
WITH ANTI-ERBB2 ANTIBODIES)	

INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. §1.97

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each cited pending unpublished U.S. application, and all additional publications other than U.S. patents and U.S. patent application publications. 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

08/27/2007 EAYALEW1 00000026 081641 10619754

01 FC:1806 180.00 DA

This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --

(2) It is being filed within 3 months of entry of a national stage
-- OR --

(3) It is being filed before the mail date of the first Office Action on the merits
-- OR --

(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

a certification as specified in §1.97(e) is provided below; **or**

a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

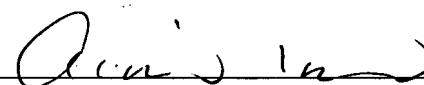
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.: 39766-0114).

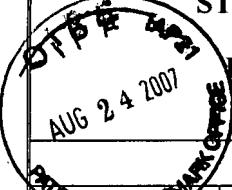
Respectfully submitted,

HELLER EHRLMAN LLP

Dated: August 24, 2007

By: 
GINGER R. DREGER
Reg. No.: 33,055

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Menlo Park, CA 94025-3506
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INFORMATION DISCLOSURE STATEMENT  PTO-1449		ATTY. DOCKET NO. 39766-0114		SERIAL NO. 10/619,754			
		APPLICANT: Bossenmaier et al.					
		FILING DATE: 7/14/2003		GROUP: 1643			
		U.S. PATENT DOCUMENTS					
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	Aclara Biosciences, "Systems Biology and Beyond-Aclara Bioscience and the eTag TM Assay System", Business Briefing: Future Drug Discovery, 2002; Suppl., Technology and Services: 1-7.						
	Fitzgerald, "Bridging Genomics and Proteomics" The Scientist 16(15):35 (2002).						
	Aclara Biosciences, "The Use of ErbB Activation Status as Prognostic Markers in Breast Cancer Patients Treated with Herceptin" the 29 th European Society for Medical Oncology Congress (2004), Citation: Annals of Oncology, vol. 15, suppl. 3 (Abstract 530).						
	Lenferink et al., "Superagonistic Activation of ErbB-1 by EGF-Related Growth Factors with Enhanced Association and Dissociation Rate Constants" The Journal of Biological Chemistry, vol. 275, no. 35, pp. 26748-26753 (2000).						
	Lenferink et al., "Differential Endocytic Routing of Homo- and Hetero- Dimeric ErbB Tyrosine Kinases Confers Superiority to Receptor Heterodimers", The EMBO Journal, vol. 17, no. 12, pp. 3385-3397 (1998).						
	Miller, "Meeting Today's Analytical Demands of Systems Biology" Analytical & Research Technology, pp. 16-17.						
	Pinkas-Kramarski et al., "The Oncogenic ErbB-2/ErbB-3 Heterodimer is a surrogate Receptor Epidermal Growth Factor and Betacellulin" Oncogene, vol. 16, pp. 1249-1258 (1998).						
	Stortelers et al., "Epidermal Growth Factor Contains Both Positive and negative Determinants for Interaction with ErbB-2/ErbB-3 Heterodimers", Biochemistry, vol. 41, pp. 4292-4301 (2002).						
	Stortelers et al., "Role of N-Terminus of Epidermal Growth Factor in ErbB-2/ErbB-3 Binding Studied by Phage Display", Biochemistry, vol. 41, 8732-8741 (2002).						
	Van de Poll et al., "Non-Linear Antigenic Regions in Epidermal Growth Factor (EGF) and Transforming Factor (TGF) Studied by EGF-TGF Chimaeras" Biochem. J., vol. 349, pp. 267-274 (2000).						
	Van Zoelen et al., "The EGF Domain: Requirements for Binding to Receptors of the ErbB Family", Vitamins and Hormones, vol. 59, pp. 99-131 (2000).						
EXAMINER		DATE CONSIDERED					

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.